

First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1287

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AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-7-2-44.6, AS AMENDED BY P.L.145-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 44.6. "Countable asset" means the following:

- (1) For purposes of ~~IC 12-10-10.5~~, ~~in determining eligibility for the community living pilot program~~, **IC 12-10-10**, property that is included in determining assets in the same manner as determining an individual's eligibility for the Medicaid aged and disabled waiver.
- (2) For purposes of IC 12-20, noncash property that is not necessary for the health, safety, or decent living standard of a household that:
  - (A) is owned wholly or in part by the applicant or a member of the applicant's household;
  - (B) the applicant or the household member has the legal right to sell or liquidate; and
  - (C) includes:
    - (i) real property other than property that is used for the production of income or that is the primary residence of the household;
    - (ii) savings and checking accounts, certificates of deposit, bonds, stocks, and other intangibles that have a net cash value; and

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(iii) boats, other vehicles, or any other personal property used solely for recreational or entertainment purposes.

SECTION 2. IC 12-10-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. As used in this chapter, "case management" means ~~an administrative function a~~ **service** conducted locally by an area agency on aging that includes the following:

- (1) Assessment of an individual to determine the individual's functional impairment level and corresponding need for services.
- (2) Development of a ~~care plan~~ **addressing of care that:**
  - (A) **addresses** an eligible individual's needs;
  - (B) **identifies and considers family and community resources that are potentially available to meet the individual's needs; and**
  - (C) **is consistent with a person centered approach to client care.**
- (3) Supervision of the implementation of appropriate and available services for an eligible individual.
- (4) Advocacy on behalf of an eligible individual's interests.
- (5) Monitoring the quality of community and home care services provided to an eligible individual.
- (6) Reassessment of the ~~care plan of care~~ to determine the continuing need and effectiveness of the community and home care services provided to an eligible individual under this chapter.
- (7) Provision of information and referral services to individuals in need of community and home care services.

SECTION 3. IC 12-10-10-4, AS AMENDED BY P.L.99-2007, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) As used in this chapter, "eligible individual" means an individual who **meets the following criteria:**

- (1) Is a resident of Indiana.
- (2) Is:
  - (A) at least sixty (60) years of age; or
  - (B) an individual with a disability.
- (3) **Except as provided in subdivision (5), for an individual who applies initially to the program:**
  - (A) **before July 1, 2017**, has assets that do not exceed five hundred thousand dollars (\$500,000), as determined by the division; and
  - (B) **after June 30, 2017**, has assets that do not exceed two hundred fifty thousand dollars (\$250,000). In determining assets under this clause, the division shall exclude an



**additional twenty thousand dollars (\$20,000) in countable assets.**

(4) Qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b).

**(5) An individual who applied initially to the program under IC 12-10-10.5 (expired June 30, 2017) between December 31, 2014, and June 30, 2017, within:**

- (A) Area 1;
- (B) Area 4;
- (C) Area 13; or
- (D) Area 14;

**of the area agencies on aging and had assets that did not exceed two hundred fifty thousand dollars (\$250,000). In determining assets under this subdivision, the division shall exclude an additional twenty thousand dollars (\$20,000) in countable assets.**

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to ~~perform two~~ **perform any of the following:**

(1) ~~Two~~ (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

- ~~(1)~~ (A) Skilled nursing assistance.
- ~~(2)~~ (B) Supervised community and home care services, including skilled nursing supervision.
- ~~(3)~~ (C) Adaptive medical equipment and devices.
- ~~(4)~~ (D) Adaptive nonmedical equipment and devices.

(2) ~~One~~ (1) activity of daily living if, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (g), the area agency on aging determines that addressing the single activity of daily living would significantly reduce the likelihood of the individual's loss of independence and the need for additional services.

(3) An activity that with targeted intervention or assistance with the activity, using the needs based assessment established under section 6.7(1) of this chapter and in accordance with written standards that are established by the division under subsection (g), the area agency on aging determines would significantly reduce the likelihood of the individual's loss of



independence and the need for additional services.

(c) Subject to standards established under IC 12-10-10-6.7(6), the division shall establish a cost participation schedule for an eligible individual based on the eligible individual's income and countable assets. The cost participation schedule must comply with the following:

(1) Exclude from cost participation an eligible individual whose income and countable assets do not exceed one hundred fifty percent (150%) of the federal income poverty level.

(2) In calculating income and countable assets for an eligible individual, deduct the medical expenses of the following:

(A) The individual.

(B) The spouse of the individual.

(C) The dependent children of the individual.

(3) Exclude twenty thousand dollars (\$20,000) of an eligible individual's countable assets from consideration in determining an eligible individual's cost participation.

(d) The division may require annual reverification for eligible individuals who the division determines are likely to experience a material increase in income or assets. An individual shall submit the information requested by the division to carry out the reverification allowed by this subsection.

(e) A case manager from an area agency on aging shall perform the following:

(1) Initial verification of an individual's income and assets.

(2) Annual reverification of an eligible individual's income and assets, as may be required by the division under subsection (d).

(f) The division may not require a family or other person to provide services as a condition of an individual's eligibility for or participation in the program.

(g) The division shall establish written standards setting forth criteria that the area agencies on aging shall use in determining whether an individual who is unable to perform one (1) activity of daily living or one (1) activity under subsection (b)(2) or (b)(3) is eligible for the program.

SECTION 4. IC 12-10-10-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.7. The division shall convene collaborative workgroups with the area agencies on aging to develop policies that establish the following:**

(1) A person-centered planning process, supported by a



needs-based assessment tool, that may be integrated with existing case management systems, to be used in determining a client's needs and plan of care under section 1(2) of this chapter. The needs-based assessment must:

- (A) document available supports and unmet needs that impact a client's ability to ensure a safe and independent living environment; and
  - (B) include a standardized caregiver assessment.
- (2) The percentage of program dollars adequate to provide case management services.
  - (3) Training necessary to effectively carry out this chapter.
  - (4) Data collection standards.
  - (5) Program performance measures.
  - (6) A cost participation schedule for program recipients as required by section 4(c) of this chapter.

SECTION 5. IC 12-10-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 13. One (1) or more representatives of the area agencies on aging shall appear at each regularly scheduled meeting of the community and home options to institutional care for the elderly and disabled board established by IC 12-10-11-1 and report on the progress of the program.**

SECTION 6. An emergency is declared for this act.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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